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<CT>Peace for Whom?

<CS>Legacies of Gender-Based Violence in Peru

<CA>Jelke Boesten

<TXT>In August 2016, a multitude of women, their families, and their friends took to the streets of Lima to protest the high levels of violence against women in Peru and the impunity routinely accorded to the perpetrators of this violence. Never before had so many Peruvians protested violence against women, even if there had been ample reason to do so. In this chapter, I will explore why this mass mobilization happened at that particular point in time by examining the extent to which the violence against women in 2016 might be interpreted as a legacy of the violence of the Internal Armed Conflict (IAC), or as a result of persistent historical structures of violence and inequality. I also consider whether the contemporary response to such violence from both civil society activists and the state should be seen in light of the continuous battles over truth, justice, and reconciliation.

In exploring the hypothesis that the contemporary violence against women is a legacy of a much longer history of violence and inequality, I will focus in particular on what aspects might be seen as a sequel to the Internal Armed Conflict. I will ask

if high levels of peacetime violence might be seen as either a wartime mechanism or a post-conflict legacy. To examine this, I draw from my research in the archives of the Truth and Reconciliation Commission and other sources for my book Sexual Violence during War and Peace: Gender, Power, and Post-Conflict Justice in Peru (2014). But I am also interested in exploring how the lack of justice and visibility regarding cases of conflict-related violence against women contrasts with the more recent mobilization of hundreds of thousands of people to protest against continuous high levels of violence against women. I argue that perhaps historic cases are too politically and socially divisive to work as examples that promote broader gender justice; instead, it may be that the struggle against the everyday violence women and girls experience across lines of class, ethnicity, geography, and age has finally found its historic momentum, with capable activists to lead the way and a political opportunity to rise to the challenge of demanding justice and social change.

<A>High Levels of Violence against Women as Sequel and Continuum

<TXT>As is now widely known but not necessarily widely accepted in and beyond Peru, gender-based violence was an important dimension of the political violence that enveloped Peru in the

1980s and 1990s. Gender-based and sexual violence, understood as violence perpetrated for specifically gendered reasons (i.e., because of being a woman, or because of being queer, or employing sexual violence), was used by all the armed groups involved in the IAC: Shining Path, MRTA, the Peruvian military, and indeed the peasant self-defense forces. It is slowly coming to light that the MRTA, and possibly the Shining Path as well, targeted queer men and women in the Loreto region (CVR 2003a, 2:432-433). In addition, the Shining Path stands accused of mass enslavement of the Ashaninka people of the Amazon, including sexually enslaving Ashaninka women and girls (CVR 2003a, vol. 5). The use of different forms of gender-based violence within the Shining Path still requires research, as there is evidence of forced marriages, rape, and infanticide (CVR 2003a, vol. 6). These incidences of gender-based violence are all expressions of male dominance in precarious and contested spaces.

Most notable is the use of sexual violence on the part of the Peruvian military against civilians as well as people suspected of terrorism. This topic is comparatively well researched (Henriquez and Mantilla 2003; Henriquez 2006; Boesten 2014a). Drawing on testimonies of witnesses, perpetrators, and survivors of sexual violence, the Truth and Reconciliation Commission (Comisión de la Verdad y Reconciliación, or CVR) found that sexual violence was widespread and even

systematically used against populations suspected of terrorism, as well as against civilians (CVR 2003a, vol. 6). The CVR documented 538 cases of rape in which the victim-survivor could be identified by name and surname, but estimated that this represented only 7 percent of actual cases of rape. The victim profile of this violence reflects geographical, ethnic, class, age, and gender divides: young, rural, and indigenous women were most vulnerable to sexual violence and abuse. But this was not the only vulnerable group: according to the CVR, 80 percent of women imprisoned in Lima experienced sexual assault and abuse from security personnel, and 25 percent were raped.

Based on the data, the CVR concluded that members of the police and armed forces were the main perpetrators of systematic rape. While we must recognize the need for further research on the use and practice of gender-based violence by all armed groups in the conflict, it is worth noting that state forces were the main perpetrators of such violence. This is especially important because it is the state's function to provide security for its citizens, because it points to the state as a major agent in reinforcing and reproducing existing inequalities, and finally, as will be discussed later, because none of the perpetrators of such violence have been held to account. The data confirms that gender-based violence is highly political, not only in war, but also in peacetime.

The patterns of rape perpetrated by state forces reflect the widespread idea that rape is used as a weapon of war. The military used sexual torture in its prisons and rural military bases, raped women and girls during raids in homes and villages as a means to terrorize the population, and used women and girls as booty and as tools for a politics of divide-and-rule between communities as well as to establish and maintain hierarchies between soldiers (Henriquez 2006; Boesten 2014a). Hence rape was used, albeit not formally, as "part of a systematic political campaign with military purposes," that is, as a weapon of war (Skjelsbæk 2010).

It is difficult to establish whether soldiers were ordered to rape prisoners or civilians, and it is unlikely that evidence of such orders will ever be found. As I have argued (Boesten 2014a), testimonies of victim-survivors and others suggest that specific military masculinities, which rely heavily on performances of heteronormative dominance and the use of extreme violence and sexual violence as social capital within military hierarchies, facilitate the widespread practice of sexual violence. For example, hierarchies between more and less available women based on perceptions of race and class--a hierarchy of sexual availability which draws strongly on existing societal stratifications--was used to establish and reproduce hierarchies between soldiers. According to testimonies

from soldiers, young poor indigenous women were available to be raped by the troops, even if they were "just" community members, civilians, and not suspected of any political activity. But women who were captured on suspicion of terrorism and who were seen as whiter or better educated than the cholitas from the village would first be raped by the commander in charge. The men highest in rank could choose among the prisoners, and could even choose to keep women and "enamorarlas" (seduce them) for longer periods of time. Such abusive behavior from military officers clearly encourages the rank and file to do the same.

There are further indications that sexual violence against local women and girls was turned into a practice that created social capital within the armed forces: girls were ordered to come to military bases and prostitute themselves during parties, girls were forced to negotiate with soldiers about the conditions of their abuse, such as whether they would be raped by one or two soldiers rather than gang raped, or the reward for being abused, such as receiving information about loved ones. In such ways, sexual dominance over local girls may have given these soldiers certain masculine credibility in the eyes of their peers and, especially, their superiors. There is evidence of soldiers boasting to each other about their conquests and their violence; there is evidence of collective pornographic spectacles in which soldiers violently gang raped girls and

women, dead or alive, watching each other and spurring each other on (Boesten 2014a, 19-42). Such experiences suggest a process of drawing soldiers into a spiral of brutalization (Mitton 2015), using the most "obvious" victims--the most vulnerable to abuse--as a tool. From such a perspective, the sexual abuse of women served as a means not only to terrorize, fragment, and dominate the rural population or the prison population, but also to foment a loyal army of young men willing and able to continue to perpetrate atrocities.

The idea that gender-based violence during the conflict reflects the patterns of inequality that existed before and after the war is important: it suggests that such violence is an exacerbation of existing relationships. The abuse of women during the war may have been extremely cruel and very widespread, but at the same time, such violence was imaginable, possible, and scripted along lines of existing violence and inequalities. This means that some women are more vulnerable than others to harassment by men in public spaces, or in the workplace, because of vectors of inequality such as race/ethnicity, class, and age. But all women are vulnerable to gender-based violence in their own homes.

There is no data concerning levels of violence against women before the 1980s, but women reported to the CVR that during the conflict the armed forces were not the only



perpetrators of violence against them. Henriquez and Mantilla (2003) show how violence against women in their own homes and communities often escalated in zones with high levels of political conflict. We do not know whether that is caused by a breakdown of social order, opportunism, or the frustration and traumatic context in which families were forced to live. What we do know is that most men and women in the highly affected areas were compromised by the violence, either through victimization or recruitment by the Shining Path, the self-defense forces, or the armed forces (Theidon 2012). If we add that fact to the idea of what armed groups do to the young men and women who become involved in the conflict, including the possibility of brutalization among those forced into spirals of violence, then perhaps the rise of domestic violence in a context of participation in political violence is not surprising.<sup>1</sup> Following the analytical framework set out by Soifer and Vergara in the Introduction to this volume, the high levels of gender-based and family violence in areas most affected by the armed conflict of the 1980s and early 1990s could be called a "wartime mechanism." However, despite the lack of verifiable statistics, violence against women, including sexual violence, also seems to have been high before the armed conflict.

Violence against women in wartime is not the same as violence against women during peacetime, but there certainly is

a continuum. The difference lies in the extreme cruelty and frequency of wartime violence, as well as the drawing in of those who might otherwise not have become victims or perpetrators of gender-based violence. But there are also similarities: in wartime and peacetime, women and girls perceived as being of lesser value because of race and class--often determined by criteria such as citizenship status (does she have papers?), poverty, geography, language, education, dress and physical aspects such as height, color of eyes, and type of hair--are more vulnerable to rape. Young women perceived as being cholas--of indigenous descent--who work in wealthier households are historically perceived as legitimate targets for men's sexual satisfaction (Boesten 2012). Likewise, young women, or rather, adolescent girls--the main victims of soldiers' sexual abuse--are also the main victims of contemporary peacetime sexual abuse (Mujica 2011).

The scale of peacetime violence should also be taken into consideration: according to data from the Programa Integral de la Lucha Contra la Violencia Familiar y Sexual in Ayacucho (2005), physical violence against children is common, and sexual violence against children rampant (see also: Boesten 2010, 148). Current figures of violence against women collected by the National Bureau of Statistics through a household survey method show that in 2014, 32.3 percent of women experienced physical

violence perpetrated by their intimate partner at least once in their lifetime, 7.9 percent experienced sexual violence, and a staggering 72.4 percent experienced psychological and/or verbal violence, often in addition to other forms of violence (ENDES 2014). A study that looked at police statistics and data from women's emergency centers (one-stop multisectoral centers set up in the 1990s to report abuse and seek support) and the Ministry of Women and Social Development for the years 2000 to 2009 concluded that on average, about 7,000 cases of sexual violence were reported each year to such institutions. However, in 2009 the Institute of Forensic Medicine alone carried out 34,153 exams of "sexual integrity," examinations of women and girls who reported sexual abuse but whose claims were not entered into the statistics of the police, emergency centers, or the ministry. Seventy-eight percent of the formally reported denunciations concerned girls eighteen years old or younger. Of these, 10 percent concerned children aged nine and under; 25 percent involved children aged ten to thirteen; and 45 percent represented adolescents aged fourteen to seventeen (Mujica 2011). Wartime mechanism or not, these are extraordinary figures which raise the question of whether peacetime is truly peaceful for women and girls.

One conclusion could be that a high rate of post-conflict violence against women is a consequence of conflict-related

violence. Epidemiologists agree that a range of factors contribute to high levels of interpersonal violence, particularly sexual and gender-based violence, which tend to be more prevalent in post-conflict societies. These factors include high levels of trauma among both men and women, alcoholism and drug use, violence against children in their homes, and the prevalence of "toxic" masculinities (Gould and Jewkes 2013; Guedes et al. 2016). In Peru, NGOs, civil society organizations, and state institutions such as Women's Emergency Centers in Ayacucho cite trauma and alcohol and drug use as strongly affecting levels of violence against women and children (Boesten 2014a, 127). Violence against children as a form of disciplining them, i.e., as communication, was also reported to be high throughout the 1990s and early 2000s (Boesten 2010, 148). According to the National Household Survey from 2014 (ENDES 2014), 25 to 29 percent of parents still use corporal punishment with their children. But the practice of corporal punishment (and the effects it may cause) is more likely attributable to historical-cultural factors rather than political violence.

The idea of "toxic" masculinities--understandings of manhood as necessarily violent, controlling, and (hetero)sexually predatory--has gained traction among feminist researchers and epidemiologists. The prevalence of toxic masculinities is often associated with histories of violence and

exclusion. For example, South African scholar Pumla Dineo Gqola (2015) asserts that a history of violence, dispossession, and exclusion experienced by large parts of that nation's population has created a situation in which asserting dominant masculinities could become a form of resistance against the violence of the system, as well as the preferred form in which the dominant group asserted its power within its own group and against the marginalized population. Other scholars, such as Chris Dolan (2003), who examines masculinities in post-conflict Uganda, or Kimberly Theidon (2009), who looks at men's reintegration in Colombia, suggest that the undermining of men's roles as breadwinners and heads of households has created a masculine crisis often compensated for through violent and controlling behavior, especially against more vulnerable groups such as women. These studies all indicate that the social, political, and economic history of post-conflict societies shapes social relationships, and the prevalence of sexual and gender-based violence, in the present. Thus high levels of gender-based violence could be seen as a post-conflict legacy.

But in Peru, a complex historical dynamic of violence against and dispossession of the indigenous population forms the background to continuing high levels of gender-based violence. In patriarchal societies, women have long been subordinated to men, with certain male privileges--including the right to rape

one's wife--enshrined in law until fairly recently. Furthermore, in postcolonial societies, whiter men's dominance over indigenous people continues to shape women's vulnerability to racialized and sexualized violence in their homes, communities, and places of work. Peruvian literature is littered with narratives of the abuse of chola domestic servants, largely perceived as legitimate sexual targets for coming-of-age of adolescent boys and as legitimate targets for men in venting their sexual frustration. The vulnerability of this group of women was recently attested to by Obdulia Guevara Neyra, the general secretary of the Union of Domestic Workers-Lima (SINTTRAHOL), who claims that 60 percent of domestic workers today experience some form of sexual abuse.<sup>2</sup> The experience of gender-based violence, then, runs along a continuum from cat-calling to emotional, physical, and sexual violence in homes, communities, and workplaces, and to rape and femicide in war and peacetime. The continuum also runs through history, from colonial times to modern Peru. Perpetrators may be powerful men who feel entitled to women's bodies of all colors, or they may be subaltern men who feel entitled to women and girls still more vulnerable than themselves. An authoritarian political culture grounded in patriarchal and racist relationships across society fuels these toxic masculinities and perpetuates the vulnerability of women and girls.

Thus, it is fair to say that the widespread sexual violence during the Internal Armed Conflict in Peru showed parallels to sexual violence in peacetime. Wartime rape worked as a means to reproduce and perpetuate existing historical inequalities based on gender, race, class, age, and sexuality. Contemporary peacetime sexual violence does so as well, but in a less obvious and more privatized manner. Post-conflict societies such as Peru, but also Guatemala or South Africa, show high levels of interpersonal violence, including sexual violence, and this is certainly related to the wartime history of violence and conflict. But while high levels of peacetime violence are not necessarily a direct sequel to a particular conflict (although it will be present in specific communities or families), we should recognize the broader role and function of gender-based violence, and particularly of sexual violence, in reproducing structures of inequality in war and in peace, before, during, and after armed conflict. In this light, the idea of gender-based violence as a wartime mechanism or post-conflict legacy is difficult to sustain.

Explicit efforts to reach reconciliation and justice among former enemies make post-conflict eras an important opportunity to address historical hierarchies such as those associated with ongoing sexual violence. Transitional justice could, and should, transform the social relations that feed into violence,

providing the state and society a chance to address gender inequality and violence associated with it. In that sense, the way in which the state and society deal with conflict-related sexual violence in the post-conflict moment could start a process of positive change for women and men. The CVR did the best it could in the limited time it had to uncover the truth about the systematic perpetration of sexual violence by all armed groups. Likewise, the institution tasked with documenting victims of violence, the Registro Único de Víctimas, did an important job in recording cases of sexual and gendered violence. Thus, the information needed to build a policy of accountability exists, and it is the responsibility of the state to acknowledge and account for what was done in its name. A formal apology on the part of the state, the military, and the police to all women and men harmed by the sexual violence would send a powerful message heralding a new era in which gender-based violence is no longer acceptable, and paving the way for effective judicial and policy interventions to address wartime victimization as well as continuing widespread violence in contemporary Peru. Unfortunately, this has not happened; perpetrators of sexual violence still evade punishment, and patriarchy is alive and well.

<A>Patriarchy and Impunity



<TXT>The protests of August 2016 in Peru were triggered because men continue, with impunity, to inflict violence on women. Criminal justice may not solve the root causes of gender-based violence, but the problem will certainly persist if perpetrators are consistently getting away with violence and abuse. Two particular cases of unpunished violence against women entered the public consciousness in July 2016. In both cases, the courts decided to give the perpetrators suspended sentences after deciding the forensic evidence suggested the harm done was "minor." In the first case, in Ayacucho, a woman named Cindy Contreras was assaulted by her boyfriend, who beat her up when she tried to flee the hotel where he had taken her. In a video that was widely circulated on the Internet, footage from security cameras showed the boyfriend, Adriano Pozo, naked, dragging Contreras by her hair through the reception area. Pozo was captured and put on trial, but a judge gave him a suspended sentence and a fine, arguing that the nature of Contreras's wounds suggested that he had not intended to rape or kill her, but had only inflicted minor harm.<sup>3</sup> The sentencing judge, a woman, was an acquaintance of Pozo's father, an Ayacuchano governor.

The second case was that of Lady Guillén, a celebrity in the world of Cumbia, who endured assaults by her boyfriend for a

year before reporting the violence when she felt her life was in danger. Photos of her beaten, disfigured face, with stitches around her eyes, were widely circulated in newspapers since 2012. But in 2016, the judge in the case considered Guillen's wounds minor, and decided, that her life had not been in danger.<sup>4</sup> The aggressor, Ronny García, received a suspended sentence after having spent several years in pretrial imprisonment. Released, García now stands accused of violence by a new girlfriend. These two emblematic and well-publicized cases were matched by similar cases throughout the country. Women and girls were disfigured, raped, and killed by their partners or former partners, and their cases were reported in small corners of the printed media, but justice was generally not done. The massive protests of 2016, never seen before in the history of activism against gender-based violence in Peru, led to new investigations of the Contreras and Guillen cases, but many other cases have yet to receive the attention they merit.

As I have detailed elsewhere (Boesten 2012; Boesten 2014a), impunity for violence against women is generally high in Peru. Despite the presence of well-established laws and protocols, there are multiple problems in the Peruvian state's response to sexual violence. A lack of training in gender awareness and recognition of sexual violence continues to debilitate the police, judiciary, and forensic medicine services designed to

support battered women. A lack of adequate funding for services that work, or should work, such as women's police stations and emergency centers, undermines the promise these services embody. A lack of political collaboration among the district and municipal authorities who are in charge of allocating funding to some of these services further impedes them, while the lack of a sufficiently independent and effective judiciary constrains gender justice. Overall, the dissonance between a relatively good legal and policy framework on the one hand and weak implementation on the other stems from the unresolved tension between a patriarchal state which puts the male-headed family at the center of all considerations, and the need for a policy that treats women's rights as inalienable.

As in many parts of Latin America, the role of a conservative Catholic Church is particularly harmful in Peru. The progressive Liberation Theology that emerged in the late 1960s largely disappeared with the demise of the Left in the 1990s, and as Vergara and Encinas show in chapter 9 of this volume, the more conservative sectors of the Church gained a more central presence. Opus Dei, led by Cardinal Luis Cipriani, archbishop of Lima, is now the dominant Christian voice and holds tremendous power over politics and institutions, particularly with regard to gender politics. Recently, in response to campaigns for the decriminalization of abortion in

cases of rape, as well as in response to the demonstrations of August 2016, Cipriani has spoken out against what he calls the danger of the "gender ideology," wielding his influence to denounce campaigns that could unsettle the Church's patriarchal power. While it is difficult to sustain a position that endorses violence--indeed, a whole range of agencies, state institutions, and businesses supported the August 2016 March against gender-based violence--it appeared possible to defend heteronormativity and the "sanctity of life" by accusing women and girls of provoking sexual harassment and even rape.<sup>5</sup> Hence, patriarchy is not the archaic concept that it should be by now, but rather, continues to build and rebuild its historic momentum.

The persistence of patriarchal relationships, underpinned by a normative belief in a natural gender inequality, stands in contrast with the increasing number of women in higher education, in formal employment, and in national and local politics. Whereas many scholars judge women's representation in national politics during the 1990s as affirming gender stereotypes rather than unsettling them (Blondet 2002; Schmidt 2006; Boesten 2010), women's participation has become consolidated since the start of the twenty-first century, if not without encountering resistance (Krook and Restrepo Sanín 2016). In 2015–2016 we saw the rise of a new generation of left-of-center female politicians: Verónica Mendoza stood for president

for the Frente Amplio, and Marisa Glave and Indira Huilca proved to be strong voices in Congress in support of human rights.

Mendoza, Huilca, and Glave are unafraid to defend women's rights and to discuss sexism in politics, representing a new feminist voice in national politics. Considering the increased prominence of women in public life and the gap in progressive politics that is now being filled by a new generation of feminist politicians and activists, perhaps the pushback from conservative sectors in society should be seen as a response to that increasing cry for gender equality. For example, the newly approved school curriculum for 2017, which includes gender equality as an objective, was considered to promote gender "ideology" and homosexuality, undermining the family as cornerstone of society according to conservative sectors,<sup>6</sup> and was given as a reason to force the widely popular and acclaimed education minister Jaime Saavedra to resign in December 2016.

This tension between increasing gender equality on the one hand and persistent patriarchal attitudes in some institutions and sectors on the other hand is what allows for impunity from punishment for sexual violence to persist, but it also allows for protest, in Peru and indeed throughout Latin America. In Peru, this tension is also coming to the fore in relation to historic crimes against humanity, particularly regarding criminal justice in relation to sexual violence perpetrated by

the Peruvian military in the 1980s and truth finding and political accountability in the case of forced sterilizations in the 1990s.

<A>Truth, Justice, and Reconciliation; or, Struggles over Legacies

<TXT>When the CVR concluded that sexual violence in the Internal Armed Conflict had been systematic, particularly on the part of the armed forces, it also allowed for several cases to be identified and investigated more thoroughly in the interest of seeking criminal justice. By 2012, human rights organizations had investigated and presented sixteen cases to the public prosecutor. In February 2018, three military were convicted to prison sentences for the kidnapping and rape of a student in 1992. This first positive result is a landmark ruling, and may help the emblematic case that is currently on trial against eleven ex-military. This case, commonly known as Manta y Vilca after the two communities affected, concerns fourteen complainants.<sup>8</sup> The hearings before the National Criminal Court started in July 2016 and could last for several years.

It has taken thirteen years since the publication of the CVR report for this case to come to court. There are several reasons for this slow process, and of course for the continuing

impunity in most other cases of conflict-related sexual violence. First, there is an overall reluctance to prosecute military officers for violations of human rights. The Peruvian military and police force commanded counterinsurgency efforts against two very destructive rebel groups, and for obvious reasons they do not like to be criticized for their actions. In addition, while the transitional government of President Valentín Paniagua in 2000–2001 purged the relevant institutions (military, National Intelligence Service, judiciary, and electoral committee) of corrupt and violent officials who had upheld the Fujimori regime (Taylor 2005), this did not prevent the election of Alan García or Ollanta Humala. García, in power from 2006 to 2011, was also the president in 1986 when the navy was sent in to suppress a prison uprising in El Frontón, where at least ninety senderistas were killed in extrajudicial executions. Ollanta Humala served in the military in the 1990s and was accused of being involved in human rights violations in Tingo María. Electoral support for García and Humala, as well as for Keiko Fujimori, the still-popular daughter of Alberto Fujimori, indicates that perhaps there simply is not much governmental or popular support for positions which seek to address the excesses of the counterinsurgency of the 1980s and 1990s, including prosecution of former military figures for violations of human rights.

Of course, the military and the Ministry of Defense also influence what is possible in terms of who can be prosecuted and who cannot, and of what evidence is available and what is not. As such, as soon as human rights organizations started to investigate specific cases of military rape based on CVR testimonies, the Ministry of Defense refused to release documents which could reveal the identity of specific soldiers in specific times and places. It claimed these particular archives had burned down.

Furthermore, a lack of resources and investigative capacity in human rights law impedes the adequate prosecution of cases of sexual violence. Cases of sexual violence are notoriously complex in any context; hence the relatively low conviction rates in most parts of the world. But the complexity of such cases is highly influenced by normative understandings of what rape is, who can be victimized, and who can be a perpetrator. Historically, rape in marriage has seldom been recognized, as husbands were accorded an unquestioned right to their wives' bodies, and women were expected to acquiesce. Likewise, rape was often denied both by society as well as in the courts because of how women behaved, what they wore, where they went, or what they had done. Traditionally, the only prosecutable forms of rape—have been those involving a clearly innocent victim and a perpetrator who is a stranger to that victim (data shows,



however, that most sexual violence is perpetrated by people in relationships of trust with the victim). So gendered prejudices impede adequate prosecution. In Peru, the historical divisions along lines of race, class, and gender further constrain a more objective legal perspective upon cases of rape. This is widespread in "everyday" peacetime cases such as that of Lady Guillén and Cindy Contreras, as well as in cases of conflict-related rape. For example, while international law says that in a context of war there cannot be a context of consent, in practice, the lines between consent and coercion seem just as porous as during peacetime: CVR interviews show how interviewers sometimes dismissed women's claims of having been raped based on assumptions about the nature of consent, even in the overall violent context of war. Likewise, conceptions of what constitutes an injury, or of who speaks the "truth," have been questioned by judges presiding over cases of state-perpetrated rape--even when the evidence is a child born in captivity. Prosecuting cases of conflict-related rape are difficult for the same reasons that human rights violations perpetrated by the military are difficult to prosecute, but in addition, the specific coordinates of sex crimes and the institutionally embedded prejudices based on race, class, and particularly gender further impede successful prosecution in Peru.

The successful prosecution in 2016 of two former military

officers in Guatemala for crimes against humanity, sexual violence, and domestic slavery perpetrated against indigenous women in the community of Sepur Zarco in the 1980s is groundbreaking because of this complexity. This success is now followed by the Manta y Vilca case considering crimes against humanity and sexual violence in 1980s highland Peru. Although Manta y Vilca might take years to resolve in court, that it has reached court in the first place is already an achievement. But however revolutionary the case might be, there is little public interest in Manta y Vilca, for all the reasons described previously. In addition, the victim-survivors, poor indigenous women of mature age, are not interesting to the wider public, nor are the perpetrators of much public interest as mestizo and cholo former soldiers living at the margins of contemporary society.

At the same time, there has been increasing pressure on the Peruvian government in recent years to investigate and account for forced sterilizations carried out in the mid-1990s by the Fujimori administration under the banner of the Programa Nacional de Planificación Familiar. The goal of this National Family Planning Program was to reduce population growth to 2 percent by decreasing average fertility from 3.6 to 2.5 children per woman by 2000. One program objective was to improve maternal and child health, and the effort on the whole emphasized freedom

to choose, reproductive rights, and gender equality. In practice, however, rural physicians were given quotas to sterilize a certain number of women each month, and were promised improved working conditions and resources for their cooperation. Doctors who were uncooperative were threatened with negative consequences. According to various sources, many poor, largely indigenous women were sterilized, including between 600 and 10,000 forcibly or against their will. Many more--up to 300,000--were treated in unhygienic and unprofessional circumstances (CLADEM 1999; Congreso de la Republica 2002; MINSA 2002; DEMUS 2008).

The developmental rationale for the program--to reduce population growth for the sake of economic stability--was based on the idea that one can reduce poverty by reducing the poor population. Misconceptions founded on sexism (only women are responsible for reproduction, and hence for poverty) and racism (indigenous women and men are too ignorant to control their own fertility even when given the right resources) among both those in command as well as those implementing the policy made coercion in the sterilization program possible (Boesten 2010). Several investigations have taken place since the coercive practices behind the sterilization program were uncovered (Congreso de la Republica 2002; MINSA 2002; DEMUS 2008) including one by the US Congress in 1998 to account for the role

of USAID funding for the program.<sup>9</sup> However, to this day, no in-depth research has documented the actual number of women affected, nor has any criminal investigation accounted for the actors involved. Research shows that local physicians and nurses had an important role to play in the program's implementation (Boesten 2010; Gianella 2014); although it seems necessary to hold them accountable, it would be too easy to blame only some individual doctors. Rather, it is essential that those who designed and enforced the program be held to account for the harm they have done. Governmental responsibility for the violence perpetrated in its name is crucial if the objective is to break through the gendered and racialized structures of inequality.

After the first uncovering of the program by human rights activist Giulia Tamayo in 1997,<sup>10</sup> the forced sterilization program at first drew the attention of only a relatively small group of academics and activists. The case revealed a series of tensions and contradictions in Peruvian society and its desire for change that are difficult to reconcile: progressive feminist ideas about equality and inclusivity clash with conservative and patriarchal ideas about women's roles and their responsibility for reproduction.

Since 2012, a new generation of activists has worked to document and publicize forced sterilizations carried out by the

Family Planning Program, and to pressure the government into creating a register of victims that can be used in administering reparations, conducting an investigation into political accountability, and exploring criminal accountability (Ballón 2014). Despite this heightened activism, the judiciary permanently closed the case in November 2016.

There are several ways of understanding the state's lack of enthusiasm for addressing these historic abuses. First, and most importantly, both the sexual violence of the armed conflict as well as the forced sterilizations are representative of persistent inequalities grounded in ideas about race, class, and gender. Clearly, the racist connotations of the sexual violence meted out on the rural and prison population in the 1980s and 1990s, and of the forced sterilizations of the late 1990s, have helped reproduce and further entrench those inequalities. Any transitional justice policy would have to address this in order to challenge these inequalities. While the report of the CVR certainly focused on these structural inequalities and the violence that it produced, it was not able to unsettle the narrative by drawing in new voices or significantly challenging existing hierarchies. Challenging structures of inequality grounded in entrenched prejudices perhaps requires new thinking and new actors on the political stage. The entrenchment of inequality means that indigenous women (and, arguably, most

indigenous men) simply do not have a voice in Peruvian society. Most claims that indigenous women want to make on the state, or on broader society, have to be channeled via urban activist networks and NGOs, which draws them into a whole different set of political struggles.

Another way of explaining the lack of enthusiasm for addressing the historic abuses is by placing them in the broader context of contemporary post-IAC battles over truth and justice. Transitional Peru is divided between those who view the conflict through a military-conservative perspective, and those who are grounded in a human rights perspective as laid out by the CVR's final report (Drinot 2009). In regard to gender issues, the conservative-military perspective employs a patriarchal orientation akin to contemporary opposition to "gender ideology" as discussed previously. Human rights groups, in contrast, support gender equality and women's rights. Human rights organizations also actively seek to provide a voice to those marginalized by the persistent inequalities in Peruvian society. For the victim-survivors of sexual violence at the military bases of Manta and Vilca, Huancavelica, as well as for those sterilized under the Fujimori regime, this means that their cases are channeled into the public sphere via vocal human rights groups such as APRODEH, IDL, COMISEDH, and DEMUS. This places victim-survivors and their legal cases in the middle of

the battles over truth and memory, between those who support a military-conservative narrative and those who favor a human rights perspective. But it is victim-survivors' human rights that are at stake here. Their past, present, and future are largely lost in the struggles among urban elites over IAC legacies that Paulo Drinot describes in chapter 11.

## <A>Conclusion

<TXT>In 2016, two emblematic historical cases of institutional sexual violence against women, one involving the systematic rape of women in rural Huancavelica, and the other the forced sterilization of poor rural women, could not get civil society to mobilize as effectively as could the two "everyday" cases of Lady Guillén and Cindy Contreras. While there are reasons to believe that high levels of contemporary violence against women are related to the long and complex history of institutionalized racism, sexism, and political violence, it is apparent that it will be difficult to use the post-conflict moment to unsettle the entrenched and intersecting inequalities that are the root of this violence. There is no clear causal relationship between conflict-related gender-based violence and peacetime levels of violence that can be quantified and made concrete.

Considering these constraints, how was it possible for

three women in July 2016 to mobilize fifty independent organizers in twenty-four hours, forty-five thousand collaborators and protesters in five days, and about half a million women, men, and children in time to march against gender-based violence on August 13? First, I believe that the three Ni Una Menos instigators managed to mobilize a cross-class alliance with women who did not have a history of activism or politics. This is unique, and was largely accomplished through social media, which does not discriminate (as much) as does word-of-mouth mobilization. The effective use of different Facebook pages as well as instant messaging had a democratizing effect upon the often-unequal relationship between civil society organizations or NGOs and grassroots groups. The Facebook page set up to serve as an organizational platform quickly turned into a platform for sharing painful memories, many of which had never been revealed before. The organizers respected this rain of testimonies and set up alternative social media tools to continue organizing the protest march. An open confessional space used by fifty thousand people is a conscience-raising forum beyond most feminists' dreams, and it allowed for people to speak and participate who otherwise would have stayed invisible. The number and severity of the experiences shared on this page, as well as the speed at which they circulated, also drew in allies who are usually more difficult to mobilize for



cases of gender-based violence: men, private-sector participants such as business sponsors, and indeed even representatives of the state (the police, the judiciary, and the newly appointed president all made public statements and appearances as part of the protests).

The political moment was important: Keiko Fujimori, a symbol of a guilty and violent past, and arguably representing (or at least defending) the conservative-military historical perspective, lost the elections held in April 2016. Verónica Mendoza, a representative of a hopeful new left-wing alliance arguably championing a human rights historical perspective, also lost. The winner, Pedro Pablo Kuczynski, if not a political outsider or a representative of a new generation, was chosen for his technical perspective, or, one could argue, for his seeming neutrality in long-standing political feuds. The Ni Una Menos campaign stepped into a political vacuum in which progressive politics, as well as opposition to them, was in disarray. The first weeks of this new government was the perfect moment to mobilize the Peruvian population against something that often falls in the gaps between two highly divided political camps.

At the same, the Ni Una Menos campaign focused on ongoing everyday violence that women and girls experience regardless of their political, ethnic, geographical, or class origins. While this campaign was certainly supportive of emblematic historical

cases of sexual violence, these cases were not central to the Ni Una Menos narrative. Much of the transitional justice literature advocates for the post-conflict moment to be crucial in effecting transformational change. We hope that the shock of truth will lead to justice, and that criminal justice and reparation will lead to conciliation and transformation. But perhaps it is the other way around: first things need to change, and then perhaps there will be justice.

<sup>1</sup> We also need to consider the possibility that the CVR asked women questions about the violence they experienced that were not often asked before more systematic monitoring of rates of violence against women began. Holly Porter found that a majority of raped women during the Ugandan internal conflict claimed to have been raped by intimate partners, not by active combatants (2015).

<sup>2</sup> Obdulia Guevara Neyra, interview with Gabrielle Wiener in La Republica, <http://larepublica.pe/impresa/domingo/835623-en-lima-mas-del-30-de-trabajadoras-del-hogar-todavia-esta-en-una-situacion-de-semiesclavitud>.

<sup>3</sup> See <http://larepublica.pe/impresa/sociedad/785994-siento-miedo-ahora-yo-soy-la-prisionera-dice-cindy-arlette-contreras>.

<sup>4</sup> See <http://www.peruthisweek.com/news-lady-guillen-110009>.

<sup>5</sup> “[They tell us] there are many abortions among young girls, but nobody has abused these girls. Often it is women who put themselves on display, provoking men.” Cardinal Juan Luis Cipriani, archbishop of Lima, Peru, on national radio in response to campaigns against sexual violence and in favor of the legalization of abortion in case of rape, July 30, 2016, RPP Radio.

<sup>6</sup> See <http://larepublica.pe/politica/829690-el-85-aprueba-que-curriculo-escolar-promueva-igualdad-de-genero-segun-ipsos>.

<sup>8</sup> One more case is under investigation by the Interamerican Commission for Human Rights:

<http://idehpucp.pucp.edu.pe/comunicaciones/notas-informativas/cidh-admite-caso-emblematico-de-violacion-sexual-ocurrido-durante-periodo-de-violencia/>.

<sup>9</sup> The Peruvian Population Control Program Hearing Before the Subcommittee on International Operations and Human Rights, 105th Cong., February 25, 1998,

[http://commdocs.house.gov/committees/intlrel/hfa48459.000/hfa48459\\_0f.htm](http://commdocs.house.gov/committees/intlrel/hfa48459.000/hfa48459_0f.htm).

<sup>10</sup> Tamayo had to flee the country as a consequence of her work.